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November 26,  
2018

ADMITTED IN NY

VIA ECF

Hon. Sanket J. Bulsara, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Courtroom 324N  
Brooklyn, NY 11201

**Re: *Djerroud v. 909 Fulton Grocery & Deli Corp. et al***  
**Case No. 1:17-cv-00702-CBA-SJB**

Dear Judge Bulsara:

This office represents the plaintiff in the above entitled action. We write pursuant to Your Honor's Order directing both counsel in this matter to file a letter explaining our respective non-appearance before the Court and as to why sanctions should not be imposed.

Preliminarily, we wish to apologize to the Court and to the Court's personnel for our failure to appear for the Cheek's hearing in this matter. Time is precious to everyone, but we are especially cognizant of the orderly and timely manner in which Your Honor runs his courtroom. The undersigned's failure to attend the hearing was due to the fact that my office had miscalendered the appearance for 2:30 PM on November 13, 2018 as opposed to (the correct time of) 12:00 PM. As Your Honor may recall this hearing was previously scheduled for October 30, 2018 at 2:30PM. When the hearing was adjourned somehow only the date was moved to November 13<sup>th</sup> but not the time, therefore our calendar reflected that the appearance was scheduled for 2:30PM. We were prepared to appear before Your Honor at that time until we received a call from your deputy shortly after 12:00 letting us know that the case was scheduled for 12:00 and not 2:30PM.

What happened in this instance is an unfortunate anomaly, for which we are truly remorseful. Nevertheless, we would ask that the Court not level a sanction against us for a mistake born of inadvertence, rather than deliberate neglect. I have appeared before Your Honor on a number of prior instances, all without tardiness or incident. My former associate, Ruchama Cohen has also made numerous appearances in your courtroom – and all of those appearance were made on time as well.

Hon. Sanket J. Bulsara, U.S.M.J.  
March 22, 2018  
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We will, of course, make sure to appear on whatever date and time the Court is able to hold a Cheek's hearing.

We thank the Court for its attention to this matter and are available at Your Honor's convenience should the Court have any questions regarding the foregoing.

Respectfully submitted,

/s/ Michael Samuel  
Michael Samuel, Esq

SAMUEL & STEIN

*Attorneys for Plaintiff*

cc. Scott Richman, Esq. (via ECF)